

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

MICHAEL LEE NELSON  
#20060-18

PLAINTIFF

v.

4:19-cv-00237-JM-JJV

HIGGINS, Sheriff, Pulaski County; *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Recommendation submitted by United States Magistrate Judge Joe J. Volpe and the filed objections. After carefully considering these documents and making a *de novo* review of the record, the Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. The Amended Complaint (Doc. No. 5) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of this action is a "strike" for purposes of 28 U.S.C. § 1915(g).
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 5<sup>th</sup> day of June, 2019.

  
UNITED STATES DISTRICT JUDGE